

Docket No. 215106US3



"RESPONSE UNDER 37 CFR 1.116-  
PEDITED PROCEDURE EXAMINING  
GROUP 3743"

#14  
(OK)  
AH  
10-30-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Katsuhiko SAITO, et al.

SERIAL NO: 09/977,426

GAU: 3743

FILED: October 16, 2001

EXAMINER: LEO, L.

FOR: HEAT EXCHANGER

RECEIVED

OCT 28 2003

TECHNOLOGY CENTER R3700

TERMINAL DISCLAIMER

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Now comes the undersigned, Attorney of Record in the present application, who avers as follows:

MITSUBISHI HEAVY INDUSTRIES, LTD. is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of assignment, a copy of the Assignment is attached hereto, and said copy is a true and accurate copy of the Assignment as filed in the U.S. Patent and Trademark Office.

✓ MITSUBISHI HEAVY INDUSTRIES, LTD. hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,491,092, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,491,092, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

MITSUBISHI HEAVY INDUSTRIES, LTD. does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,491,092 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

10/20/03

Date Signed

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Page 1 of 2

# Assignment Of Application

WHEREAS, I (WE) (1) Katsuhiro Saito; and (2) Masashi Inoue

Address of (1)-(2) inventors: c/o MITSUBISHI HEAVY INDUSTRIES, LTD.,

Air-Conditioning & Refrigeration Systems Headquarters, 1, Asahi-cho

3-chome, Nishi-biwajima-machi, Nishi-kasugai-gun, Aichi-ken, Japan

INSERT NAMES  
AND RESIDENCE  
ADDRESSES OF  
THE INVENTORS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_, respectively,

INSERT TITLE  
OF INVENTION:

have invented certain new and useful improvements in: \_\_\_\_\_  
HEAT EXCHANGER

INSERT DATE IN-  
VENTORS SIGNED  
DECLARATION:

for which an application for Letters Patent was executed on October 1, 2001

(Application No. 09/977,426, filed October 16, 2001), and

INSERT NAME  
AND ADDRESS OF  
COMPANY OR  
OTHER ASSIGNEE:

WHEREAS, MITSUBISHI HEAVY INDUSTRIES, LTD.

(hereinafter referred to as "ASSIGNEE") having a place of business at: \_\_\_\_\_

5-1, Marunouchi 2-chome, Chiyoda-ku, Tokyo, Japan

is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent that may be granted therefore in the United States and its territorial possessions and in any and all foreign countries;

NOW, THEREFORE, in consideration of the sum of FIVE DOLLARS (\$5.00), the receipt whereof is hereby acknowledged, and for other good and valuable consideration, I (WE), by these presents do sell, assign and transfer unto said ASSIGNEE, the full and exclusive right to the said invention in the United States and its territorial possessions and in all foreign countries and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries and in and to any and all divisions, reissues, continuations, substitutions and renewals thereof.

I (WE) hereby authorize and request the Patent Office Officials in the United States and its territorial possessions and any and all foreign countries to issue any and all of said Letters Patent, when granted, to said ASSIGNEE as the assignee of my (our) entire right, title and interest in and to the same, for the sole use and behoof of said ASSIGNEE, its (his) successors and assigns, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by me (us) had this Assignment and sale not been made.

Further, I (WE) agree that I (WE) will communicate to said ASSIGNEE or its (his) representatives any facts known to me (us) respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitute, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letter Patent to be issued to said ASSIGNEE, make all rightful oaths, and, generally do everything possible to aid said ASSIGNEE, its (his) successors and assigns, to obtain and enforce proper protection for said invention in the United States and its territorial possessions and in any and all foreign countries.

The undersigned hereby grant(s) the firm of Oblon, Spivak, McClelland, Maier & Neustadt, P.C. of Fourth Floor, 1755 Jefferson Davis Highway, Arlington, Virginia 22202 the power to insert on this assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Date: October 1, 2001

Katsuhiko Saito  
(Signature of Inventor) Katsuhiko Saito

Date: October 1, 2001

Masashi Inoue  
(Signature of Inventor) Masashi Inoue

Date: \_\_\_\_\_

(Signature of Inventor)

Date: \_\_\_\_\_

(Signature of Inventor)

Date: \_\_\_\_\_

(Signature of Inventor)

Date: \_\_\_\_\_

(Signature of Inventor)

Date: \_\_\_\_\_

(Signature of Inventor)

Date: \_\_\_\_\_

(Signature of Inventor)

**OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.**  
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